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AUSTIN, TX 78767				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/556,068

Applicant(s)

ALLAVARPU ET AL.

Examiner

Haresh Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 61-63 is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-63 are subject to examination. Claims 61-63 are allowed.

Response to Arguments

2. Applicant's arguments filed 9/17/07 have been fully considered but they are not persuasive. Therefore, rejection of the claims is maintained.

3. Regarding the applicant's concern for the double patenting rejections of the office action dated 6/18/2007, the concerned limitations of the independent claims were properly addressed in the office action dated 6/18/07 in which the claims for the double patenting were also updated. Regarding the arguments/remarks for the double patenting rejections the applicant should also consider its own response for the limitations, i.e., Just because a manager is coupled to a gateway that in turn is coupled to a managed object does not imply that the manager is automatically or inherently interfacing, or cannot be prevented from interfacing, with the managed object.

According to the Examiner's logic, every PC connected (coupled) to the Internet is interfacing with every other PC concurrently connected (coupled) to the Internet. Similarly, following the Examiner's logic, since a firewall device coupled between a home PC and the Internet implies the firewall device would unable to prevent a malicious PC from interfacing with the home PC".

Since, the concerned limitations for the dependent claims were not identified in the remarks please refer to the identical claimed limitations of the claims. Therefore, rejection of the claims is maintained.

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4. The applicant's remarks/response for the 35 USC 112 rejections for claims 61-63 is noted and hence the rejections are withdrawn.

5. Please refer to the responses to the arguments that were addressed in the office actions dated 9/17/07, 10/5/2006, etc. prior office actions of the prosecution history.

6. Regarding the applicant's concern about the limitations, "object-level access control at an individual object level",

7. Applicant's statement, "Barry teaches a graphical user interface for enabling a user to interact with the services provided by remote servers has absolutely no relevance to object-level access control", "Barker teaches away from object-level access control", is simply misleading and/or irrelevant as none of the office actions relies on it and the applicant fails to consider its own arguments, i.e., Just because a manager is coupled to a gateway that in turn is coupled to a managed object does not imply that the manager is automatically or inherently interfacing, or cannot be prevented from interfacing, with the managed object. According to the Examiner's logic, every PC connected (coupled) to the Internet is interfacing with every other PC concurrently connected (coupled) to the Internet. Similarly, following the Examiner's logic, since a firewall device coupled between a home PC and the Internet implies the firewall device would be unable to prevent a malicious PC from interfacing with the home PC". Therefore, rejection of the claims is maintained.

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8. Regarding the applicant's concern about the limitations "object-level access control at an individual object level", Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. **See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).** The First inquiry must be into exactly what the claims define. **See *In re Wilder*, 166 USPQ 545, 548 (CCPA 1970).** In fact the specification contains, "The Request Gateway may provide object-level access control between manager applications and managed objects in that manager application access to managed objects may be granted at the individual object level by use of a Request Service Access Point (RequestSAP). In this way user information may be included with each request sent to a managed object through the MIS. The MIS may then use this (user) information to determine whether the user has access to that particular object. In one embodiment, the MIS may check the user ID against an authentication list or table which contains user/object access information. A regular application Service Access Point (SAP) does not allow the insertion of the user information in the request message to enforce object-level access control, and **therefore a request SAP is recommended to send PMI requests and receive PMI responses** with appropriate object-level access control enforced". Regarding, the statement, "the fact that Barry teaches a graphical user interface for enabling a user to interact with services provided by remote servers has absolutely no relevance to object-level access control", "the examiner's position is completely unsupported by the teachings of the cited art", concern regarding the combination of teachings, barker teaches away from object-level access control, the examiner is incorrectly assuming, when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. **In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963).** Skill in the art is presumed. **In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir.**

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1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. **In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962).** The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. **In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969).** Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. **In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).**

It is well established that a conclusion of obviousness may be made based on a combination of references based on a reason, suggestion or motivation to lead an inventor to combine those references. ***In re Pro-Mold and Tool Co. v. Great Lakes Plastic Inc., 37 USPQ2d 1626, 1629 (Fed. Cir. 1996).***

The reason or motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem. It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant. ***In re Linter, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972).*** There is no requirement that the prior art provide the same reason as the applicant to make the claimed invention. ***Ex parte Levengood, 28 USPQ2d 1300, 1302 (Bd. Pat. App. & Inter. 1993).***

Also, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of a primary reference. It is also not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. ***In re Keller, 642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981); In re Young, 927 F.2d***

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588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). Please refer to the below rejections for the claims. Regarding the applicant's concern that the limitations, object corresponding to a telephone network and providing access to a logging service, to log an ID of a user, to log an ID of the object is not well known in the art, Reisman, 6,769,009, discloses usage of these well-known limitations, cols., 26-30. Reed, 6,757,710, discloses usage of these well-known limitations, col., 17 – 21. Arango et al., 6,724,747, discloses usage of these well-known limitations, cols, 3 – 5. Kung et al., 7,120,139, discloses usage of these well-known limitations, cols., 4-6. Therefore, the rejection is maintained.

Double Patenting

9. Claims 1-6, 8-11, 16, 17, 20-25, 27-30, 35, 36, 39-44, 46-49, 54, 55, 58-60 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of copending application, 09/552,984, as per the office action dated 10/5/2006. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10. Claims 1-6, 8-11, 16, 17, 20-25, 27-30, 35, 36, 39-44, 46-49, 54, 55, 58-60 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-44 of U.S. Patent, 6839748, as per the office action dated 10/5/2006.

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11. Claims 1-6, 8-11, 16, 17, 20-25, 27-30, 35, 36, 39-44, 46-49, 54, 55, 58-60 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent, 6813770, as per the office action dated 10/5/2006.

12. Claims 1-6, 8-11, 16, 17, 20-25, 27-30, 35, 36, 39-44, 46-49, 54, 55, 58-60 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of U.S. Patent, 6915324, as per the office action dated 10/5/2006.

13. Claims 1-6, 8-11, 16, 17, 20-25, 27-30, 35, 36, 39-44, 46-49, 54, 55, 58-60 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of U.S. Patent, 6950935, as per the office action dated 10/5/2006.

Note: The applicant's arguments regarding the double-patenting rejections are considered and hence the claims for the double patenting rejection are updated.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

14. Claims 1-60 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps/elements/structural cooperative relationships of elements, such omission amounting to a gap between the steps/elements/necessary structural connections. See MPEP § 2172.01. The omitted steps/elements/necessary structural connections are: Usage of EDS Source and EDS Sink of figures 4 and 3. The applicant's replacement of the figure 4, i.e.,

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element 408 to support the claimed invention is acknowledged and hence one skilled in the art very well knows that element 408 of the figure 4 cannot be accomplished without the usage of EDS source and EDS Sink. Further usage of authentication module and the usage of module that prevent from interfacing is necessary as per the applicant cited paragraph of the page 28 of the remarks, in order to accomplish the invention. The applicant's arguments regarding these rejections are noted however as per the specification these identified elements are necessary to accomplish the claimed invention.

15. Claims 58-60 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps/elements/structural cooperative relationships of elements, such omission amounting to a gap between the steps/elements/necessary structural connections. See MPEP § 2172.01. The omitted steps/elements/necessary structural connections are: Structural connection and relationship between the gateway and the request service access point. The specification states, "The Request Gateway may provide object-level access control between manager applications and managed objects in that manager application access to managed objects may be granted at the individual object level by use of a Request Service Access Point (RequestSAP). In this way user information may be included with each request sent to a managed object through the MIS. The MIS may then use this (user) information to determine whether the user has access to that particular object. In one embodiment, the MIS may check the user ID against an authentication list or table which contains user/object access information. A regular application Service Access Point (SAP) does not allow the insertion of the user information in the request message to enforce object-level access control, and **therefore a request SAP is recommended to send PMI requests and receive PMI responses** with appropriate object-level access control enforced". The claims not only fails to provide structural connection and relationship between the gateway and the request service access point, but also

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the required “user information included with each request” and determining using the user information, that is necessary for the request service access point (RequestSAP) to provide the object-level access control. The claimed requestSAP is no different than the regular application SAP without user information etc, please see the claims. The applicant’s arguments regarding these rejections are noted however as per the specification these identified elements are necessary to accomplish the claimed invention.

Note: Regarding the applicant’s usage of “wherein” and/or “whereby” in the claimed subject matter of the claims, the claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. Please see **Minton v. Nat ’l Ass ’n of Securities Dealers, Inc., 336 F.3d 1373, 1381, 67 USPQ2d 1614, 1620** (Fed. Cir. 2003)).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1, 5-7, 9, 16-17, 20, 24-26, 28, 35-36, 39, 43-45, 47, 54-55, 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker-Lucent et al. U.S. patent number 6,363,421, Lucent Technologies (Hereinafter Barker-Lucent) in view of Barry et al., 6,615,258 (Hereinafter Barry) and JIDM Interaction Translation, Initial Submission to OMG’s

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CORBA/TMN Internetworking RFP, Edition, 4.0, February 1998, pages, i-v, 1-1 to 7-132, 9-167 to 9-169 (Hereinafter CORBA/TMN), as per office action dated 6/18/2007.

18. Claims 8, 27, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker-Lucent, Barry and CORBA/TMN in view of "Official Notice", as per office action dated 6/18/2007.

19. Claims 2-4, 10, 21-23, 29, 40-42, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker-Lucent, Barry and CORBA/TMN in view of Olden, 6,460,141, RSA Security Inc., (Hereinafter Olden-RSA-Security), as per office action dated 6/18/2007.

20. Claims 11-15, 30-34 and 49-53, are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker-Lucent, Barry, CORBA/TMN and Olden-RSA-Security in view of "Official Notice", as per office action dated 6/18/2007.

21. Claims 18, 37 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker-Lucent, Barry and CORBA/TMN in view of Hearne et al., 2001/0052113 (Hereinafter Hearne) in view of Solstice Enterprise Manager 4.1 Managing your network, Chapter 1, 08/16/1998, pages 1-27, SUN (Hereinafter SUN), as per office action dated 6/18/2007.

22. Claims 19, 38 and 57, are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker-Lucent, Barry and CORBA/TMN in view of Hearne et al., 2001/0052113 (Hereinafter Hearne), as per office action dated 6/18/2007.

23. Claims 1, 5-7, 9, 16-17, 20, 24-26, 28, 35-36, 39, 43-45, 47, 54-55, 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker-Lucent in view of Barry et al., 6,615,258 (Hereinafter Barry) and Buckle et al., (Hereinafter Buckle), as per office action dated 6/18/2007.

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24. Claims 8, 27, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker-Lucent, Barry and Buckle in view of "Official Notice" , as per office action dated 6/18/2007.

25. Claims 2-4, 10, 21-23, 29, 40-42, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker-Lucent, Barry and Buckle in view of Olden, 6,460,141, RSA Security Inc., (Hereinafter Olden-RSA-Security) , as per office action dated 6/18/2007.

26. Claims 11-15, 30-34 and 49-53, are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker-Lucent, Barry, Buckle and Olden-RSA-Security in view of "Official Notice" , as per office action dated 6/18/2007.

27. Claims 18, 37 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker-Lucent, Barry and Buckle in view of Hearne et al., 2001/0052113 (Hereinafter Hearne) in view of Solstice Enterprise Manager 4.1 Managing your network, Chapter 1, 08/16/1998, pages 1-27, SUN (Hereinafter SUN) , as per office action dated 6/18/2007.

28. Claims 19, 38 and 57, are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker-Lucent, Barry and Buckle in view of Hearne et al., 2001/0052113 (Hereinafter Hearne) , as per office action dated 6/18/2007.

Claim Rejections - 35 USC § 102

29. Claims 1-6, 8-11, 16, 17, 20-25, 27-30, 35, 36, 39-44, 46-49, 54, 55, 58-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Vuong et al. U.S. patent number 6,430,578 (Hereinafter Vuong).

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30. Claims 1-6, 8-11, 16, 17, 20-25, 27-30, 35, 36, 39-44, 46-49, 54, 55 and 58-60, are rejected under 35 U.S.C. 102(e) as being anticipated by Spencer U.S. patent number 6,253,243 (Hereinafter Spencer).

Allowable Subject Matter

31. Claims 61-63 are allowed.

Conclusion

In order to expedite the prosecution of this case, multiple references are used for the rejections to demonstrate that several references disclose the claimed subject matter of the claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Hareesh Patel', with a stylized flourish at the end.

HARESH PATEL

PRIMARY EXAMINER

November 23, 2007